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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,791	12/14/2000	Paul M. Brennan	91436-313	5443

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EXAMINER

SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/735,791

Applicant(s)

BRENNAN, PAUL M.

Examiner

Creighton h Smith

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 12-14, 16, & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baiyor et al in view of Crook, U.S. Pre-publications Grant #2004/0028204.

Baiyor's method forwards an incoming phone call (105) to a directory number (Primary) to a plurality of other secondary DNs (106-113). All secondary DNs are alerted. Baiyor et al never disclose that the incoming phone call 105 is answered before processing it and forming outgoing calls 106-113, but does mention in col. 2, lines 62-65, that "[A]s the various outgoing call legs may be answered, not answered, released...". In order for the call to be forwarded onto any of the secondary call legs 106-113, the incoming call cannot be answered because if the incoming call is answered then one of the secondary call legs will not be set up. Therefore, since Baiyor et al disclose that outgoing calls are answered it is inherent that the incoming call is not answered or Baiyor would have disclosed this. Baiyor discloses a database 220, such that as an incoming call is handled at the switch, the switch will consult DB-220 for the alerting list containing the secondary DNs, col. 6, lines 60-67. In col. 4, lines 5-10, Baiyor discloses that "the incoming call to the 105 to the pilot DN is then to be processed by a mobile switch, which then directs the incoming call to the multiple different mobile or wireline secondary DNs of the users predefined alerting groups,

creating multiple outgoing communication legs to these differing and independent directory numbers. Whichever outgoing call leg is 1st to answer will receive the call and be connected to the calling party, with the other call legs released. Applicant's apparatus is the same as Baiyor's. On page 2, lines 25-28, of applicant's spec it is disclosed that "the system initially leaves the call unanswered while initiating one or more outgoing calls to call forwarding numbers for the subscriber." This is exactly the same as Baiyor. Examiner is not sure what applicant means when it is argued that Baiyor fails to disclose that when a DN is associated with a subscriber line, an outgoing call is initiated to that subscriber line. Applicant's spec provides support for an outgoing call is initiated to the call forwarding numbers selected by the subscriber, see page 4, lines 15-16. Also examiner does not see where in the spec applicant discloses "initiating an outgoing call to a specific subscriber line having the DN of an incoming call. That argument would map as such: a) an incoming call to 123/456-7890; b) initiating an outgoing call to the DN of the incoming line, i.e., 123/456-7890. Examiner does not see this limitation/argument disclosed in the spec. Contrary to applicant's arguments on page 9 of the amendment, Baiyor et al does disclose subscriber lines with primary directory numbers associated with those subscriber lines. At col. 4, lines 7-10, Baiyor discloses, "[t]he incoming call to the pilot DN is then to be processed by the mobile switch, which then directs the incoming call to the multiple different mobile or wireline secondary DNs" With each wireline/landline, there is a directory number directly associated with that physical piece of copper line. If not, there would be no way for the phone to ring inside of the premises.

Baiyor does not disclose that before initiating the forwarded calls to the secondary DNs, that he first checks to see if the call forwarding option is enabled. If it is not inherent that the phone system would check first, before forwarding a phone call, that a call forwarding system is enabled, then the secondary reference to Crook makes it obvious. Crook discloses in [0014 & 0015] that a determination is made first to find out if call forwarding has been enabled. To have provided Crook's teaching of first checking to see if the call forwarding option has been enabled by the subscriber before forwarding the phone call, and used this feature in Baiyor et al would have been obvious to a person having ordinary skill in the art because by checking to see if the call forwarding is enabled before forwarding the call to a plurality of secondary will save the phone company resources in the form of costs saved.

For claim 5, see col. 6, lines 63-66.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6-11, 15, 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baiyor in view of Crooks and further in view of Otto or Brennan et al.

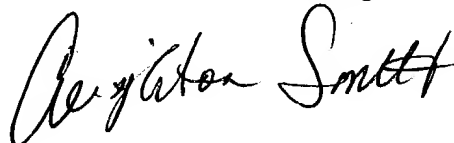
Pertaining to claims 3 & 8-10, Otto discloses the use of a call forwarding system that will forward calls to a voice mailbox when the call is not answered. Otto discloses that the called party is to be prompted by Otto's system to enter a password in order to receive calls from the calling party, col. 2, lines 22-24; col. 5, lines 57-67 & col. 6, lines

Art Unit: 2645

1-9. To have provided Otto's teaching of requiring a called party to input a PIN/password in order to receive a calling party's phone call into Baiyor's call forwarding would have been obvious to a person having ordinary skill in the art because the system will want to insure that the called party is the one that is answering the call and not some other unintended recipient. Regarding claim 6, Brennan et al disclose a voice mail system in their call forwarding apparatus, col. 4, line 66; col. 10, line 65. It is old and well known that when a phone call is not answered within a predetermined number of rings it will be forwarded to voicemail. To have similarly provided Brennan's voicemail in Baiyor's call forwarding system would have been obvious to a person having ordinary skill in the art because if the called party is not available to receive the calling party's call, he will at least have a message to call the calling party back. Likewise, Otto discloses the use a voicemail system to record messages for the called party if they are unavailable to answer the calling party's call.

----- Any inquiry concerning this communication should be directed to Creighton h Smith at telephone number 308-2488.

06 OCT. '04

A handwritten signature in black ink, appearing to read "Creighton h Smith". The signature is written in a cursive, flowing style with some capitalization.

Creighton h Smith
Primary Examiner
Art Unit 2645